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IN THE UNITED STATES DISTRICT COURT

10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11
12 UNITED STATES OF AMERICA,

No CR-98-0038-VRW

13 Plaintiff,

14 ORDER

15 v

16 ERIC JAMES HOOD,

17 Defendant.

18 _____/

19 On January 25, 2007, defendant moved to amend the court's
20 judgment pursuant to FRCrP 36 to include factual findings made by
21 the court during defendant's sentencing. Doc #44. On February 2,
22 2007, the court ordered the government to show cause why the court
23 should not grant defendant's motion. Doc #46. In its response,
24 the government concurs with defendant that the judgment and
25 commitment order is in error and thus does not oppose defendant's
26 application to amend. Doc #47.

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1 Accordingly, the court amends the "statement of reasons"
2 in defendant's judgment as follows:

3 The court adopts the factual findings and the guideline
4 application in the presentence report except as augmented at
the sentencing hearing as follows:

5 The evidence does not establish that a sentencing
6 enhancement for possession of a weapon should be found.
7 That reduces the total offense level from 35, as
8 calculated in the presentence report, to 33.

9
10 IT IS SO ORDERED.



11 VAUGHN R WALKER

12 United States District Chief Judge